

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

AKIHIRO ENOMOTO,

Plaintiff,

Case No. 14-14502

v.

Hon. John Corbett O'Meara

UNITED STATES POSTAL SERVICE,

Defendant.

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**ORDER GRANTING DEFENDANT'S  
MOTION TO DISMISS**

Defendant, the United States Postal Service ("USPS"), has moved to dismiss Plaintiff's complaint pursuant to Federal Rule of Civil Procedure 12(b)(1).

Plaintiff contends that USPS lost his package and did not issue a refund, even though the package was insured. Pursuant to well-established principles of sovereign immunity, USPS (a government entity) may not be sued without its consent. See Dolan v. United States Postal Serv., 546 U.S. 481, 483-84 (2006).

Under the Federal Tort Claims Act, USPS has waived sovereign immunity with respect to certain tort claims. However, this waiver does not include "[a]ny claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter." 28 U.S.C. § 2680(b). See also Johnson v. United States, 529 Fed. Appx.

474, 476 (6<sup>th</sup> Cir. 2013). Plaintiff's claim that USPS lost his package is barred by sovereign immunity.

Therefore, IT IS HEREBY ORDERED that Defendant's motion to dismiss is GRANTED and Plaintiff's complaint is DISMISSED WITH PREJUDICE.

s/John Corbett O'Meara  
United States District Judge

Date: May 13, 2015

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, May 13, 2015, using the ECF system and/or ordinary mail.

s/William Barkholz  
Case Manager